

## REMARKS

Supplemental to the Amendment filed August 23, 2004, and the telephone conference with the Examiner and the Examiner's supervisor on August 24, 2004, applicants present the following remarks. Reconsideration is requested.

### Written Description

The Office Action of May 21, 2004 asserted that it was thought that the specification has failed to describe the structure of the claimed fragments or epitopes of SEQ ID NO: 1 and SEQ ID NO: 3 present in claim 1. However, as stated in the MPEP "an applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures ... [and] by describing distinguishing identifying characteristics sufficient to show that the applicants were in possession of the claimed invention." (M.P.E.P. § 2163, page 2100-165). Thus, one of ordinary skill in the art would conclude that since the isolated peptide of claim 1 is described with a structure (*i.e.*, an isolated peptide comprising SEQ ID NO: 1) and an identifying characteristic (*i.e.*, the function of possessing trypanolytic activity), the inventors were in possession of the claimed invention.

Thus, reconsideration and withdrawal of the written description rejection of claim 1 is requested.

### Enablement

With regard to asserted enablement rejections in the Office Action of May 21, 2004, the Examiner indicated in the telephone interview that it was unclear as to what the isolated peptide of the instant invention would be used for. In response thereto, the claimed isolated peptides possess trypanolytic activity and, thus, may be used to lyse trypanosomes or treat a trypanosome infection as discussed in the as-filed specification. (*See, inter alia*, Specification as-filed, page 4, line 14). Since the isolated peptides of the pending claims are trypanolytic as demonstrated in the as-filed specification, one of ordinary skill in the art would be able to make and use the isolated peptides of the instant invention without undue experimentation. (*See, Id.* at pages 14-15).

Reconsideration and withdrawal of the enablement rejections of claims 1-2, 11, 16-17 and 20 are requested.

### CONCLUSION

In view of the foregoing supplemental remarks, applicants respectfully submit that the claims define patentable subject matter and an early notice of allowance is requested. Should questions remain after consideration of the foregoing, the Office is kindly requested to contact the applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



Andrew F. Nilles  
Registration No. 47,825  
Attorney for Applicants  
TRASKBRITT, PC  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: October 1, 2004

AFN

Document in ProLaw